

IN THE CIRCUIT COURT
OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CASE NO. 2018-018704-CA-01

Deutsche Bank National Trust Company, as Trustee for
IndyMac INDX Mortgage Loan Trust 2007-AR5,
Plaintiff,

v.

Mario Mirabal,
Defendants.

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DEFENDANT'S NOTICE OF UNAUTHORIZED SETTING AND
PRESERVATION OF OBJECTION TO OCTOBER 14, 2025 HEARING

COMES NOW, Defendant Mario Mirabal, and respectfully submits this
Notice to clarify the procedural status of this matter and to preserve all
jurisdictional and constitutional objections previously filed and documented.

I. NOTICE OF UNAUTHORIZED HEARING SETTING

Defendant notes that a Re-Notice of Hearing was filed by Plaintiff's counsel, Beth A. Norrow, Esq. of Greenberg Traurig, on October 10, 2025, unilaterally resetting a hearing for October 14, 2025 at 11:00 a.m. via Zoom.

To date, this Court has not issued any formal order scheduling such a hearing. No docket entry or directive from the Court has confirmed that this setting was approved by Judge Enriquez or his chambers.

Defendant objects to any hearing proceeding under such conditions, particularly where the notice was generated by a party rather than the Court, and while dispositive and jurisdictional motions remain unresolved.

II. PENDING MOTIONS REQUIRING THRESHOLD RULING

Defendant respectfully reminds the Court that the following remain fully briefed and unresolved:

Rule 1.540(d)

Motion for Relief from Void Order and to Uphold Final Dismissal with Prejudice Entered March 5, 2020 (filed June 14, 2025); and

Emergency Motion to Strike KP Investments Miami, LLC and Attorney Kenneth Damas as Improper Non-Parties (filed July 25, 2025; renewed September 5, 2025).

These motions raise fundamental questions of standing and jurisdiction that must be addressed before any hearing or other proceedings occur.

III. NOTICE OF FEDERAL ENTANGLEMENT AND ACTIVE SERVICE IN SDNY CASES

Defendant further gives notice that multiple parties in this action, including Deutsche Bank, KP Investments, and Plaintiff's counsel, are defendants in active federal litigation pending in the United States District Court for the Southern District of New York:

1. Mirabal v. Deutsche Bank et al., 1:25-cv-07423-LJL-OTW (Collateral Civil Rights Action – Marshal service active);
2. Mirabal v. Deutsche Bank et al., 1:25-cv-07418-LJL-OTW (§ 1983 Civil Rights Action); Marshal service PENDING and
3. Mirabal v. Deutsche Bank et al., 1:25-cv-07419-LJL (RICO Action – 18 U.S.C. §§ 1962(c) & (d)). Marshal service PENDING

These federal cases involve the same operative facts, the same parties, and seek injunctive and declaratory relief addressing alleged constitutional and procedural violations arising from this litigation sequence. Each matter is under unified judicial supervision before Judge Lewis J. Liman; Marshal service is active in the collateral case.

IV. PRESERVATION OF OBJECTION TO PARTICIPATION BY FEDERAL DEFENDANTS

Defendant reiterates that any hearing permitting appearance or argument by parties who are named federal defendants—including Brock and Scott PLLC Matthew Marks, KP Investments Miami, LLC, John Cunill, Esq Adorno & Cunill, Kenneth Damas, Damas Law, Esq Beth A. Norrow, Greenberg Traurig Deutsche Bank National Trust Company and PHH mortgage Corporation—creates a substantial federal conflict and compromises Defendant’s right to due process.

Defendant respectfully preserves this objection and will not participate in any proceeding that includes such parties .

V. CLARIFICATION OF PROCEDURAL SCOPE

To avoid misunderstanding, Defendant affirms that this Court retains full authority to adjudicate Defendant’s pending Rule 1.540(d) motion. That motion seeks only confirmation of the existing March 5, 2020 final dismissal with prejudice entered by Judge Bokor and correction of procedural irregularities. A ruling on that motion would restore finality, simplify the record, and reduce further federal-state overlap.

Respectfully submitted,

Mario Mirabal (Pro Se Defendant)

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October 13, 2025

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was filed and served via the Florida Courts E-Portal